

JOE WARDY  
MAYOR  
  
JOYCE WILSON  
CITY MANAGER



## CITY COUNCIL

SUSAN AUSTIN  
DISTRICT NO. 1

ROBERT A. CUSHING, JR.  
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO  
DISTRICT NO. 3

JOHN F. COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL J. ESCOBAR  
DISTRICT NO. 6

VIVIAN ROJAS  
DISTRICT NO. 7

ANTHONY W. COBOS  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
MAY 31, 2005  
9:00 A.M.

The City Council met in regular session at the above place and date. Meeting was called to order at 9:07 a.m. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, and Presi Ortega, Jr. Late arrivals: Paul J. Escobar at 9:25 a.m.; Vivian Rojas at 9:08 a.m.; and Anthony W. Cobos 9:14 a.m. Absent: None. The invocation was given by Pastor Ponce L. Brown, followed by the Pledge of Allegiance to the Flag of the United States of America.

**MAYOR'S PROCLAMATION**

***BUDDY POPPIES DAY***

**NO ACTION WAS TAKEN** regarding Sun Metro's drivers authority to complain about "unruly" passengers compared and contrasted with EPISD's Morehead Middle School's authority to complain about unsuitable substitutes. [Jorge Artalejo]

Mr. Jorge Artalejo, citizen, commented.

Motion made by Representative Ortega, seconded by Representative Rojas and unanimously carried to **POSTPONE FOUR (4) WEEKS** the discussion and action on a Motion to expand the open meeting and notification requirements of the City Plan Commission as follows:

Regardless of any wording to the contrary above, the City Plan Commission shall be required to hold an open meeting/hearing on any new action proposed for a parcel/tract that was previously subject to a contested hearing. The petitioner shall be responsible for notifying all previous participants of record (of the contested action(s)) regarding the subject, date and time of the new hearing. [Richard Schecter]

Mr. Richard Schecter, citizen, commented.

Mayor Joe Wardy and Representatives Austin, Ortega, Rojas, and Cook commented.

The following City staff members commented:

1. Ms. Lisa A. Elizondo, City Attorney
2. Mr. Matt Watson, Assistant City Attorney
3. Ms. Joyce Wilson, City Manager

**NO ACTION WAS TAKEN** regarding the discussion, authority for, and action on the \$5.8 million dollars to be refunded to the City of El Paso from El Paso Electric Co. This is also known as Palo Verde Rewards.  
[Ray E. Gilbert, Jr.]

The following members of the public commented:

1. Mr. Ray E. Gilbert, Jr.
2. Mr. Norman Gordon, outside counsel

Mayor Joe Wardy and Representatives Cobos, Austin, Rojas and Cushing commented.

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE, AS REVISED**, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {\*}).

Representatives Austin, Ortega and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the Minutes for Regular City Council Meeting of May 24, 2005.

Representatives Austin, Ortega and Rojas were not present for the vote.

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**\*RESOLUTION**

**WHEREAS**, the City and the County of El Paso entered into a new Cooperative Agreement, approved by City Council on March 1, 2005 and effective March 4, 2005, wherein it was determined that the El Paso City-County Health and Environmental District (District) should be maintained; and

**WHEREAS**, the Board of Health approved a revised budget for the District on April 27, 2005; and

**WHEREAS**, the County's financial participation in the District was recognized and approved by the El Paso County Commissioners on May 16, 2005,

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

1. That the City Council approves amendments to the District budget as indicated in the attached summary for fiscal year 2005.

2. That the City Manager be authorized to approve and process the associated budget transfer of \$1,232,921.00. This amount reflects no change to the City's contribution.

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**\*RESOLUTION**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO SAN CLEMENTE RESERVOIR AND PUMP SITE IN WEST EL PASO LOCATED AT 465 SAN CLEMENTE DRIVE IN A PORTION OF LOT 17, BLOCK 1, SAN CLEMENTE SUBDIVISION, EL PASO, EL PASO COUNTY, TEXAS.**

WHEREAS, March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 16') for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and one transformer easement for service to land in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The City Manager is hereby authorized to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to San Clemente Reservoir and Pump Site in west El Paso located at 465 San Clemente Drive in a portion of Lot 17, Block 1, San Clemente Subdivision, El Paso, El Paso County, Texas.

## \*RESOLUTION

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO NORTHEAST RESERVOIR AND BOOSTER STATION IN NORTHEAST EL PASO LOCATED NEAR SEAN HAGGERTY AND MC COMBS IN A PORTION OF TRACT 1A, SECTION 31, BLOCK 80, TOWNSHIP 1, EL PASO, EL PASO COUNTY, TEXAS.**

WHEREAS, March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 16') for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and one transformer easement for service to land in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The City Manager is hereby authorized to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Northeast Reservoir and Booster Station in northeast El Paso located near Sean Haggerty and McCombs in a portion of Tract 1A, Section 31, Block 80, Township 1, El Paso, El Paso County, Texas.

## \*RESOLUTION

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INSTRUMENT GRANTING AN UNDERGROUND ELECTRICAL EASEMENT AND ONE TRANSFORMER EASEMENT TO THE EL PASO ELECTRIC COMPANY FOR THE PURPOSE OF PROVIDING ELECTRICAL SERVICE TO AMERICAS RESERVOIR AND BOOSTER STATION IN EAST EL PASO LOCATED AT 1260 SOUTHVIEW IN A PORTION OF TRACT 3B, O.A. DANIELSON SURVEY NO. 312, EL PASO, EL PASO COUNTY, TEXAS.**

WHEREAS, March 23, 2005, the El Paso Water Utilities Public Service Board (PSB), passed a Resolution requesting the City of El Paso grant an underground (10') electrical easement and one transformer easement (12' x 18') for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas; and

WHEREAS, the City Council finds it to be in the public interest to grant an underground electrical easement and one transformer easement for service to land in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas; NOW THEREFORE,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:**

The City Manager is hereby authorized to sign a document granting an underground electrical easement and one transformer easement for the purpose of providing electrical service to Americas Reservoir and Booster Station in east El Paso located at 1260 Southview in a portion of Tract 3B, O.A. Danielson Survey No. 312, El Paso, El Paso County, Texas.

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**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO**

That the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the Sun Bowl Association, providing co-sponsorship by the Parks and Recreation Department for the 2005 Little Caesars Sun Bowl International Soccer Tournament to be held from June 3, 2005, through June 5, 2005, at the soccer fields located at Blackie Cheshier Park, Galatzan Park (a/k/a Westside Park), Sue Young Park, Nations Tobin Park, Todd Ware Park, Sal Berroteran Park (a/k/a Sun Ridge Park), Franklin Park and Dick Shinaut Park, for the purpose of fostering tourism as well as providing recreational, cultural and quality of life benefits to the citizens of El Paso. The City, pursuant to Section 13.24.200, El Paso Municipal Code, will waive the user fee for this tournament.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request authorizing to allocate \$3,000 from District 8 discretionary funds to the Parks and Recreation Department to assist with the costs of the 2005 Club Rec Program held at the Armijo Recreation Center. (ID#01010008, Acct.#504420, Fund 01101, Class 01001)

Representatives Austin, Ortega, and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request authorizing to allocate \$3,000 from District 8 discretionary funds to the Parks and Recreation Department to assist with the development of the "Chihuahuita Community Garden," located on the property known as Block B, Santa Fe Addition to the City of El Paso and a portion of Lot 12, Block D, Santa Fe Addition to the City of El Paso. (ID#01010008, Acct.#504420, Fund 01101, Class 01001)

Representatives Austin, Ortega, and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request authorizing to allocate \$3,000 from District 8 discretionary funds to the Arts and Culture Department to assist with the restoration of the murals at the Chihuahuita Neighborhood Area. (ID#01010008, Acct.#504420, Fund 01101, Class 01001)

Representatives Austin, Ortega, and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Catholic Community of Corpus Christi to block off Le Barron between North Loop and Sorbonne on June 3, 2005 from 4:00 p.m. to 1:00 a.m., June 4, 2005 from 5:00 p.m. to 1:00 a.m. and June 5, 2005 from 2:00 p.m. to 11:00 p.m. for a bazaar. Approximately 3,000 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". This request includes permission to use amplification (5 microphones, 4 speakers and 1 amplifier).

PERMIT # 05-056 [Mike Garcia]

Representatives Austin, Ortega, and Rojas were not present for the vote.

\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Kern Place Merchants Association to use amplification (4 amps, 4 mics and 6 speakers) 3 speakers on Stanton facing Mesa and 3 speakers on Mesa facing Stanton on July 30, 2005 from 4:00 p.m. to 2:00 a.m. Approximately 25 persons will take part and 5,000 spectators are anticipated. PERMIT # 05-055 [Rico Velazquez]

Representatives Austin, Ortega, and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Sacred Heart Church to hold a procession on June 3, 2005 from 6:00 p.m. to 7:30 p.m. Route: Start at Sacred Heart Church – 602 S. Oregon St, turn left on S. Oregon St. to Fr. Rahm, turn left on Fr. Rahm to Ochoa, turn right on Ochoa to Fr. Pinto Elderly Housing parking lot, turn back around on Ochoa to Seventh, turn left on Seventh to Kansas, turn left on Kansas to Eighth, turn right on Eighth to S. Oregon St., turn right on S. Oregon St. and finish at the church. Approximately 150 persons and 2 vehicles will take part. This request includes permission to use amplification (1 speaker and 1 amplifier). PERMIT # 05-059 [Fr. Rafael Garcia]

Representatives Austin, Ortega, and Rojas were not present for the vote.

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\*Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to **APPROVE** the request of Sacred Heart Church to block off S. Oregon between Fr. Rahm and Fourth on June 3, 2005 from 6:00 p.m. to 11:59 p.m. and June 4, 2005 from 10:00 a.m. to 11:59 p.m. for a block party. Approximately 50 persons will take part and 60 spectators are anticipated. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-060 [Fr. Rafael Garcia]

Representatives Austin, Ortega, and Rojas were not present for the vote.

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Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried that the following Ordinances, having been **INTRODUCED AS REVISED** pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

Representatives Austin, Ortega, and Rojas were not present for the vote.

- A. An Ordinance granting a Special Privilege to Regent Communications, Inc. to temporarily close a portion of Santa Fe Street between Franklin Avenue and San Antonio Avenue; San Francisco Avenue (Trolley Lane) between Santa Fe Street and El Paso Street; Durango Street (access road abutting Convention Center) between San Francisco Avenue and San Antonio Avenue; and Main Drive between Santa Fe Street and El Paso Street from 6:00 a.m. on Friday, July 1, 2005 through 4:00 p.m. on Monday, July 4, 2005 for the El Paso Downtown Street Festival. (Fee: \$300.00, SP-05006)
- B. An Ordinance rescinding Ordinance 9272 as amended by Ordinances 11363 and 11651 which granted a Special Privilege License to Border Cab Company for use of certain City right-of-way.
- C. An Ordinance partially rescinding Ordinance 13388 as amended by Ordinances 13851 and 13958 which granted a Special Privilege License to Ysleta Independent School District for use of certain City right-of-way.

**PUBLIC HEARING WILL BE HELD ON JUNE 14, 2005 FOR ITEMS A – C**

- D. An Ordinance changing the zoning of Lot 108, Block 1, Bischoff Addition, El Paso, El Paso County, Texas from A-3 (Apartment) to C-1 (Commercial). The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: David Amaton Diaz. ZON05-00005

- E. An Ordinance changing the zoning of a portion of Tract 269 and all of Tract 270, Sunrise Acres Addition, El Paso, El Paso County, Texas from [R-4 (Residential) to R-3A (Residential)]. The penalty is as provided for in Chapter 20.68 of The El Paso Municipal Code. Applicant: Fidel Tibuni. ZON05-00025
- F. An Ordinance granting Special Permit No. ZON05-00026, to allow for a Planned Residential Development on a portion of Tract 269 and all of Tract 270, Sunrise Acres Unit One, El Paso, El Paso County, Texas pursuant to Section 20.12.040 (Zoning) of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Fidel Tibuni. ZON05-00026
- G. An Ordinance changing the zoning of Parcel 1: A portion of Section 21, Block 81, Township 1, El Paso, El Paso County, Texas from [R-F (Ranch-Farm) to R-3A (Residential)], and Parcel 2: A portion of Section 21 and 22, Block 81, Township 1, El Paso, El Paso County, Texas from [R-F (Ranch-Farm) to A-2 (Apartment)]. The penalty is as provided for in Chapter 20.68 of the El Paso Municipal Code. Applicant: Tropicana Development, Inc. ZON05-00028

**PUBLIC HEARING WILL BE HELD ON JUNE 21, 2005 FOR ITEMS D – G**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

NOTE: Language on item A was revised from "Regent Communications-El Paso" to "Regent Communications, Inc."

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 \*Motion made Representative Cushing, seconded by Representative Lozano and unanimously carried to **POSTPONE THREE (3) WEEKS** an Ordinance repealing Ordinance No. 15893, granting the authority to the City Manager or the Department Head to enter into and sign certain Personal, Professional, Independent and Volunteer Service Contracts on behalf of the City and to create a new Ordinance on the same subject.

Representatives Austin, Ortega, and Rojas were not present for the vote.

Mr. Lance E. Ruck, citizen, commented.

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 \*Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to **POSTPONE THREE (3) WEEKS** an Ordinance granting the authority to the City Manager or his or her designee to make provisional and temporary employee appointments in accordance with the El Paso City Charter.

Representatives Austin, Ortega, and Rojas were not present for the vote.

Mr. Lance E. Ruck, citizen, commented.

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**ORDINANCE 16062**

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING ORDINANCE 8065, CIVIL SERVICE RULES AND REGULATIONS, RULE 1, CIVIL SERVICE COMMISSION, SECTION 10, COMMISSION RECORDER, TO CLARIFY DISCIPLINARY PROCEDURES.**

Mayor Joe Wardy and Representatives Cushing, Cobos and Austin commented.

The following City staff members commented:

1. Ms. Lupe Cuellar, legal advisor to the Civil Service Commission
2. Ms. Lisa A. Elizondo, City Attorney
3. Ms. Joyce Wilson, City Manager

The following members of the public commented:

1. Mr. Steve Blanco, outside counsel, representing the City Manager and the City Attorney's office.
2. Mr. Lance E. Ruck, Civil Service Commission member, provided documents pertaining to the item to the Council Members.

The Deputy City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cushing, seconded by Representative Lozano, that the Ordinance be **ADOPTED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED**.

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**ORDINANCE 16063**

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO THE EL PASO EMPOWERMENT ZONE CORPORATION TO TEMPORARILY CLOSE PORTIONS OF TEXAS AVENUE, FLORENCE STREET, OCHOA STREET, VIRGINIA STREET, ST. VRAIN STREET, ANGE STREET, AND OCTAVIA STREET ON JUNE 18, 2005, JUNE 19, 2005, SEPTEMBER 4, 2005 AND OCTOBER 29, 2005 FOR THE "TEXAS AVENUE STREET FESTIVALS"**.

Ms. Phyllis Rawley, Executive Director of the El Paso Empowerment Zone, commented

The Deputy City Clerk called for further public comment. There was no further public comment.

Motion duly made by Representative Cobos, seconded by Representative Escobar, that the Ordinance be **ADOPTED AS REVISED**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, Cook, Ortega, Escobar, Rojas and Cobos  
NAYS: None Absent: None

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby **ADOPTED AS REVISED**.

NOTE: Ordinance language was revised from "El Paso Empowerment Zone" to "El Paso Empowerment Zone Corporation".  
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**ADDITION TO THE AGENDA**

Item: Discussion and Action regarding hiring outside legal counsel to further research and report back to the El Paso City Council with findings based on the most recent developments from the Texas Department of Housing and Community Affairs board meeting held on 5/26/05.

Mayor Joe Wardy and Representatives Cushing, Rojas, Cook, and Ortega commented.

Ms. Lisa A. Elizondo, City Attorney, commented.

Motion made Representative Rojas, seconded Representative Cobos and carried **TO HIRE OUTSIDE COUNSEL** to investigate the Cedar Oaks Townhomes project and to limit the amount up to \$3,000.00.

AYES: Representatives Austin, Cushing, Lozano, Ortega, Escobar, Rojas and Cobos

NAY: Representative Cook

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Motion made by Representative Cobos, seconded by Representative Rojas and unanimously carried to **ADJOURN** this meeting at 10:51 a.m.  
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APPROVED AS TO CONTENT:

*for* Diana Y. Muñoz - Deputy City Clerk  
Richarda Duffy Momsen, City Clerk